

USDOL/OALJ Reporter

[McDonald v. University of Missouri](#), 90-ERA-59 (Sec'y Dec. 11, 1995)
Go to: [Law Library Directory](#) | [Whistleblower Collection Directory](#) | [Search Form](#) |
[Citation Guidelines](#)

DATE: December 11, 1995
CASE NO. 90-ERA-59

IN THE MATTER OF

MARA MCDONALD,

COMPLAINANT,

v.

UNIVERSITY OF MISSOURI,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

FINAL ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT

This case arises under the employee protection provision of the Energy Reorganization Act of 1974 (ERA), as amended, 42 U.S.C. § 5851 (1988 and Supp. IV 1992). The parties submitted a Settlement Agreement and Mutual Release seeking approval of the settlement and dismissal of the complaint. The Administrative Law Judge issued a Recommended Decision Accepting Settlement Agreement on November 1, 1995, recommending that the settlement be approved.

The request for approval is based on an agreement entered into by the parties, therefore, I must review it to determine whether the terms are a fair, adequate and reasonable settlement of the complaint. 42 U.S.C. § 5851(b)(2)(A) (1988). *Macktal v. Secretary of Labor*, 923 F.2d 1150, 1153-54 (5th Cir. 1991); *Thompson v. U.S. Dep't of Labor*, 885 F.2d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, Case Nos. 89-ERA-9, 89-ERA-10, Sec. Order, Mar. 23, 1989, slip op. at 1-2.

The agreement appears to encompass the settlement of matters arising under various laws, only one of which is the ERA.
See

[PAGE 2]

paragraphs 1, 8 and 9. For the reasons set forth in *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec. Order,

Nov. 2, 1987, slip op. at 2, I have limited my review of the agreement to determining whether its terms are a fair, adequate and reasonable settlement of the Complainant's allegations that Respondent violated the ERA.

I find that the agreement, as here construed, is a fair, adequate and reasonable settlement of the complaint. Accordingly, I APPROVE the agreement and DISMISS THE COMPLAINT WITH PREJUDICE. See paragraph 5.

SO ORDERED.

ROBERT B. REICH
Secretary of Labor

Washington, D.C.